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BY ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Plaintiffs are directed to serve discovery requests by June 14, 2021. Defendant shall serve its motion to bifurcate on or before June 25, 2021.

LEWIS J. LIMAN
United States District Judge

Re: Carol Lopez et al. v. City of New York, et al.,
20 Civ. 2502 (LJL)

5/25/2021

Your Honor:

I represent the City of New York and Officer Saline in the above-referenced matter. Defendants write to respectfully request an extension of time to file their letter motion to bifurcate Monell discovery in this matter, from June 2, 2021 to 14 days after plaintiff serves defendants with her first set of discovery requests. Plaintiff takes no position and does not object to this request.

By way of background, the parties appeared for an Initial Conference in this matter on May 12, 2021. During the conference, the parties discussed defendants' anticipated motion to bifurcate Monell discovery. The Court directed the parties to meet and confer on the issue, and ordered defendants to file their motion on or before June 2, 2021. The Court further directed that defendants' motion should set out the specific discovery which would be affected by a bifurcation order.

The parties have met and conferred on the issue of bifurcation on two occasions, for approximately an hour total. Plaintiff has indicated that she does not presently intend to serve any document requests that are Monell-specific, and has described broadly the categories of information she anticipates seeking that are related to her Monell claims. Plaintiff has also indicated her belief that there is no discovery that would be affected by a bifurcation order. As such, defendants are not yet able to specifically describe the discovery that would be affected by a bifurcation order. However, plaintiff has not yet served her initial discovery requests—which are due June 14, 2021—and thus defendants have not been able to make their own assessment of whether certain discovery would be subject to a bifurcation order. Defendants respectfully submit that their receipt and review of plaintiff's initial discovery requests will: (1) allow for the parties to have a more substantive discussion on this issue and potentially come to an agreement so as to avoid defendants' motion entirely; or (2) allow defendants to provide the Court with a bifurcation motion that clearly sets out the discovery to be bifurcated.

Accordingly, in the interest of efficiency and the conservation of time and resources, defendants respectfully request that the Court extend the deadline to file a motion to bifurcate, if any, to 14 days after plaintiff serves defendants with her first set of discovery requests. Such an extension would not disrupt the current discovery schedule and would provide defendants time to review plaintiff's requests, identify which requests, if any, would be subject to bifurcation, and either: (1) resolve the issue with plaintiff; or (2) file a motion to bifurcate which fully outlines the practical effect of a bifurcation order in this matter.

Defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/ Zachary Kalmbach

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cc: **By ECF:**

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